

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JUAN VILLANUEVA-MONROY,
Plaintiff,

ORDER

05-C-214-C

v.

DOCTOR J. REED and
V. JONES, Hospital Administrator,

Defendants.

Plaintiff is proceeding in this case on his claim that defendants Reed and Jones denied him treatment for a painful mutilating skin disease on his hands that is allegedly causing his bones to deform. From the outset, plaintiff has professed to have extremely limited ability to read or understand English. At the preliminary pretrial conference held before the magistrate judge on October 13, 2005, plaintiff had an “informal interpreter” to assist him. That assistance apparently is not continuing. Plaintiff has submitted purported evidence outside the context of a formal motion. More recently, he has submitted a response to defendants’ motion for summary judgment that fails in every respect to comply with this court’s Procedures to be Followed on Motions for Summary Judgment, a copy of which was

sent to plaintiff with the magistrate judge's October 13 order. In light of plaintiff's minimal understanding of English and his obvious inability to follow court procedures, it appears that the most appropriate course of action is to suspend the trial date and appoint counsel to represent plaintiff in this lawsuit.

Ordinarily, in determining whether counsel should be appointed, I must first find that plaintiff made reasonable efforts to retain counsel and was unsuccessful or that he was precluded effectively from making such efforts. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). In this case, I have found that plaintiff's need for appointed counsel stems from his inability to understand the English language. Therefore, I conclude that he is precluded effectively from making an effort to find counsel on his own.

Mary Turke, a member of the Wisconsin Bar, has agreed to represent plaintiff, with the understanding that she will serve with no guarantee of compensation for her services. It is this court's intention that the appointment of Ms. Turke to represent plaintiff extend to proceedings in this court only.¹

Plaintiff should be aware that because I am appointing counsel to represent him, he may not communicate directly with the court about matters pertaining to his case. He must

¹"Proceedings in this court" include all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

work directly with his lawyer and permit her to exercise her professional judgment to determine which matters are appropriate to bring to the court's attention and in what form. Ms. Turke intends to meet with plaintiff at the Oxford facility sometime during the week of February 20. Therefore, I will ask the clerk to set this case for a status conference before United States Magistrate Judge Stephen Crocker for the following week. At the conference, the parties may work with the magistrate judge to schedule a new trial date and set new deadlines for completing pretrial matters, including briefing on defendants' motion for summary judgment.

ORDER

IT IS ORDERED that Mary Turke is appointed to represent plaintiff Juan Villanueva-Monroy in this case.

Further, IT IS ORDERED that the schedule for briefing defendants' motion for summary judgment is SUSPENDED. The clerk of court is requested to schedule a status

conference before the United States Magistrate Judge for sometime during the week of February 27, 2006, so that a new calendar may be established.

Entered this 8th day of February, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge